

ORIGINALUNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA*Dem*
7/12/01

KIM SMITH

PLAINTIFF

vs.

JAMES MORGAN et al.,

:
:
:CIVIL ACTION NO.1:01-0817:
:
:(CALDWELL J.):
:(MANNION , M.J.)**FILED**
HARRISBURG

JUL 11 2001

MARY E. D'ANDREA, CLERK
Per STB
DEPUTY CLERK**TEMPORARY RESTRAINING ORDER**

AND now comes Kim Smith a pro-se person not lettered in legal matters and without the aid of counsel moves in this motion for temporary restraining order to stop the abuses of the staff at State Correctional Institution Coal Township Pa. 17866-1021. And prays that a less stringent standard be applied to this pro-se motion, as plaintiff is not lettered in Pa. Rules of Criminal Procedure or most civil rights of Constitutional Rights that he may have aduers following:

Plaintiff has been subjected to cruel punishment by staff in connection with an April 18, 2001 misconduct for disobeying an order when an RN Bernas knowingly and intentionally with malicious intent, willful and with malice cut me off my diabetic medication without orders or authority to do so, and in order to justify he incompetence her and a Lt. Jordan conspired to deprive interfear with plaintiff health care with deliberate intent issued a misconduct, and Nurse Ambrose, and Wolfgang conspired and interfearred with health care and stop me from getting a blood test for my diabetes. This action put me at risk for serious health problems and even death. Plaintiff was given 45 days for this misconduct in which it was claimed by Deputy Warden Johnson, R. Smith Lt. Gula, Counselor Dunn the reason that I was placed in a hard cell was that I had a bad attitude, or that I voice my opinion towards being denied my diabetic medication. But known of this is a punishable charge that would

warrant me being subjected to cruel punishment. The R.H.U. staff and Lt. Gula hindered my due process rights and access to administrative remedies from bring an appeal to the misconduct and grievances filed and I have been denied my right to address this issue in court because their is not paper work stating that I filed an appeal and Camp Hill refused to address this issue as well as the warden, claiming these appeals were untimely by D.O.C. policy. Even though such was filed and sent plaintiff never got a reply to any of the appeals that he filed.

I was also stated that he would not get idel pay for 60 days and he would not be placed on a list for employment for 90 days after his release for the R.H.U. in violation of D.O.C. policy, causing me to be deprived and denied access to the court and to meet file dates, and paper to type petition as well as carbon paper.

See the attached exhibits in support of this motion and the 8th amendment violation and abuse as their is nothing in or on the tape of April 18, 2001 that would warrant the abuse and cruel punishment that the staff at this institution subject plaintiff to for a 45 day period of time, moreover dening him his due process rights as plaintiff filed grievance and appeals in a timely manner but they either never got to the grievance office or R.H.U. staff never forwarded them, none the less I was denied my appeal rights and afforded the right to be heard, and he fears for his safety as staff has already projected a level of indifference that may bring plaintiff harm in the denial of his diabetic medication and the placing him in a hard cell without provocation claiming he had a bad attitude, or that he ran his mouth and the tape of that date would show none of this that would warrant this level of abuse.

Whrerfore plaintiff prays that this motion would be granted.

RESPECTFULLY SUBMITTED

A handwritten signature in dark ink, appearing to read "Kenneth L. Smith", written over a horizontal line.

PROOF OF SERVICE

I certify a true and correct copy of this motion was sent to the below listed parties on or about ^{July 14} ~~July 25~~, 2001 by placing this in institutional mail box to be processed to the United States Postal Service to mail.

I certify the forgoing is true and correct under the penalty of perjury.

CLERKS OFFICE

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF PENNSYLVANIA

235

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WARDEN GILLIS

KIM SMITH